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| 10/773,525      | 02/05/2004  | Dolores Kaiser       | 2152.008            | 7191             |

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT PAPER NUMBER

3782

DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                      |                 |  |
|------------------------------|----------------------|-----------------|--|
| <b>Office Action Summary</b> | Application No.      | Applicant(s)    |  |
|                              | 10/773,525           | KAISER, DOLORES |  |
|                              | Examiner             | Art Unit        |  |
|                              | Lester L. Vanterpool | 3782            |  |

**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,11-18 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 3,9,10 and 19 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____.                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. This application contains claims directed to the following patentably distinct species: Group I: claims 4 – 7 & 20

Group II: claims 3, 9, 10 & 18.

The species are independent or distinct because Group I identifies the storage container cover being the rigid plate and Group II identifies the storage container cover being the flexible sheet (See Figures 8 – 11).

Applicant's representative Keith Campbell of McHale & Slavin, P.A. elected Group I: claims 4 – 7 & 20 over the telephone on October 30, 2006.

### ***Information Disclosure Statement***

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983) in view of Forbes, Jr. (U.S. Patent Number 4017005) and Franks (U.S. Patent Number 5513580). Muroi et al., discloses the back panel member (See Figure 1) having the back surface (See Figure 1), opposite sides (See Figure 1), the top and the bottom (See Figure 1), wherein the sides, top and bottom extend substantially perpendicular to the back surface (See Figure 1); the front panel member (See Figure 1) having the front surface (See Figure 1), opposite sides (See Figure 1), the top (See Figure 1) and the bottom (See Figure 1); wherein the storage compartment (13) is at least partially recessed (9) within the interior portion of the vehicle door (1) (See Figure 1); and whereby attachment of the storage compartment (13) to the vehicle door (1) provides enhanced interior storage for the vehicle (1) (See Figures 1 – 4).

However, Muroi et al., does not disclose the center member being constructed and arranged for mechanical engagement within and upon the surface of the inner panel, the center member having opposite sides.

Forbes, Jr., teaches the center member (31) is constructed and arranged to mechanical engage within and upon the surface of the inner panel (See Figure 1) and the center member (31) having opposite sides (See Figure 1) for the purpose of providing adequate anchoring.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the center member being constructed and arranged for mechanical engagement within and upon the surface of the inner panel and the center member having opposite sides as taught by Forbes, Jr., with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance anchoring.

However, Muroi et al., does not disclose the front surface having the aperture therethrough; the top and the bottom connect the peripheral portions of the front and the back panel members so that the panel members face each other to form front and back inner boundaries of the interior portion of the storage compartment, wherein the sides, top and bottom of the back member are constructed and arranged to telescope inwardly and outwardly within the center member.

Franks teaches the front surface (20) have the apertures (34) therethrough (See Figure 1); the center member (100) has opposite sides (See Figure 1), the top and the bottom connect the peripheral portions of the front (20) and back (40) panel members (See Figure 1) so that the panel members (20 & 40) face each other to form front (20) and back (20) inner boundaries of the interior portion (See Figure 1) of the storage compartment (10), wherein the sides (See Figure 1), top and bottom of the back

member (40) are constructed and arranged to telescope inward and outwardly within the center member (100) for the purpose of providing adequate flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front surface having the aperture therethrough; the top and the bottom connect the peripheral portions of the front and the back panel members so that the panel members face each other to form front and back inner boundaries of the interior portion of the storage compartment, wherein the sides, top and bottom of the back member are constructed and arranged to telescope inwardly and outwardly within the center member as taught by Frank with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance flexibility.

4. Claims 2, 4 & 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Forbes, Jr. (U.S. Patent Number 4017005) and Franks (U.S. Patent Number 5513580) as applied to claim 1 above, and further in view of Royer (U.S. Patent Publication Number 2004 / 0000798 A1). Muroi et al., as modified by Forbes, Jr., and Franks discloses the invention substantially as claimed.

However, Muroi et al., as modified does not disclose the front panel member including the covering means movable between the first open position and the second closed position, wherein the covering means is juxtaposed to the aperture while in the closed position.

Royer teaches the front panel member (See Figures 9 & 11) includes the covering means (52) movable between the first open position and the second closed position (See Figures 9 & 11), wherein the covering means (52) is juxtaposed to the aperture while in the closed position (See Figures 9 & 11) for the purpose of providing adequate security.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front panel member including the covering means movable between the first open position and the second closed position, wherein the covering means is juxtaposed to the aperture while in the closed position as taught by Royer with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance security.

Regarding claim 4, Muroi et al., discloses the invention substantially as claimed.

However, Muroi et al., discloses the covering means includes the rigid plate, the rigid plate being connected to the front member for pivotal movement between the open and the closed positions.

Royer teaches the covering means (52) (See Figure 9) includes the rigid plate (74) (See Figure 11), the rigid plate (74) being connected to the front member (See Figure 11) to pivot movement between the open and the closed positions (See Figure 11) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the covering means includes the rigid plate, the rigid plate

being connected to the front member for pivotal movement between the open and the closed positions as taught by Royer with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance flexibility.

Regarding claim 5, Muroi et al., discloses the invention substantially as claimed.

However, Muroi et al., discloses the covering means includes the plurality of arrow elongated rigid elements flexibly connected in the adjacent relationship, wherein at least one of the narrow elongated rigid elements is flexibly connected to the front panel member.

Royer teaches the covering means (52) includes the plurality of arrow elongated rigid elements (74) flexibly connected in the adjacent relationship (See Figure 10), wherein at least one of the narrow elongated rigid elements (74) is flexibly connected to the front panel member (See Figure 10) for the purpose of providing flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the covering means includes the plurality of arrow elongated rigid elements flexibly connected in the adjacent relationship, wherein at least one of the narrow elongated rigid elements is flexibly connected to the front panel member as taught by Royer with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance flexibility.



5. Claims 6 – 7 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Forbes, Jr. (U.S. Patent Number 4017005), Franks (U.S. Patent Number 5513580) and Royer (U.S. Patent Publication Number 2004 / 0000798 A1) as applied to claim 5 above, and further in view of Adams (U.S. Patent Number 4717196). Muroi et al., as modified by Forbes, Jr., Franks, and Royer discloses the invention substantially as claimed.

However, Muroi et al., as modified does not disclose the elongated rigid elements are constructed and arranged to form the plurality of accordion-like folds, wherein terminal the terminal fold is connected to the front panel member.

Adams teaches the elongated rigid elements (32) (See Figures 1 & 2) are constructed and arranged to form the plurality of accordion-like folds (See Figures 1, 2 & 4 – 6), wherein terminal the terminal fold is connected to the front panel member (See Figure 1) for the purpose of providing flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the elongated rigid elements are constructed and arranged to form the plurality of accordion-like folds, wherein terminal the terminal fold is connected to the front panel member as taught by Adams with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance flexibility.

Regarding claim 7, Muroi et al., discloses the invention substantially as claimed.

However, Muroi et al., does not disclose the elongated rigid elements are constructed and arranged to wind around the axle in the series of concentric loops.

Adams teaches the elongated rigid elements (32) are constructed and arranged to wind around the axle (80) (See Figures 5 & 6) in the series of concentric loops (See Figures 5 – 7) for the purpose of providing compress storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the elongated rigid elements are constructed and arranged to wind around the axle in the series of concentric loops as taught by Adams with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance storage capabilities.

Regarding claim 11, Muroi et al., discloses the invention substantially as claimed.

However, Muroi et al., does not disclose the flexible sheet element is constructed and arranged to wind around an axle in a series of concentric loops.

Adams teaches the flexible sheet element (32) is constructed and arranged to wind around an axle (80) (See Figures 5 & 6) in the series of concentric loops (See Figures 5 – 7) for the purpose of providing compress storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the flexible sheet element is constructed and arranged to wind around an axle in a series of concentric loops as taught by Adams with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance storage capabilities.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Forbes, Jr. (U.S. Patent Number 4017005), Franks (U.S. Patent Number 5513580), Royer (U.S. Patent Publication Number 2004 / 0000798 A1) and Adams (U.S. Patent Number 4717196) as applied to claim 7 above, and further in view of McKeon (U.S. Patent Number 4138154). Muroi et al., as modified by Forbes, Jr., Frank, Royer and Adams disclose the invention substantially as claimed.

However, Muroi et al., as modified does not disclose the axle including the spring retraction mechanism to retract and deploy the covering means.

McKeon teaches the axle (23) includes the spring retraction mechanism (28) to retract and deploy the covering means (10) (See Figures 2 & 3) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the axle including the spring retraction mechanism to retract and deploy the covering means taught by Adams with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance reliability.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Forbes, Jr. (U.S. Patent Number 4017005), Franks (U.S. Patent Number 5513580), Royer (U.S. Patent Publication Number 2004 / 0000798 A1) and Adams (U.S. Patent Number 4717196) as applied to claim 11 above, and

further in view of McKeon (U.S. Patent Number 4138154). Muroi et al., as modified by Forbes, Jr., Frank, Royer and Adams disclose the invention substantially as claimed.

However, Muroi et al., as modified does not disclose the axle including the spring retraction mechanism to retract and deploy the covering means.

McKeon teaches the axle (23) includes the spring retraction mechanism (28) to retract and deploy the covering means (10) (See Figures 2 & 3) for the purpose of providing reliability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the axle including the spring retraction mechanism to retract and deploy the covering means taught by Adams with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance reliability.

8. Claims 13 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Forbes, Jr. (U.S. Patent Number 4017005) and Franks (U.S. Patent Number 5513580) as applied to claim 1 above, and further in view of Levy (U.S. Patent Number 6648166 B2).

Examiner notes applicant is evoking 35 U.S.C. 116, 6<sup>th</sup> paragraph in claim 13 by reciting "means for" pressing.

Regarding claim 13, Muroi et al., discloses the back panel member (See Figure 1) and into the door cavity (9) when the window in the vehicle door (1) is moved in the upward direction (See Figure 1).

Furthermore, Muroi et al., as modified by Frank also discloses the back panel member (40) outwardly of the center member (100) (See Figure 1) for the purpose of providing expansion and multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make back panel member outwardly of the center member as taught by Frank with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance multi-functional capabilities.

However, Muroi et al., does not disclose the means to press the back panel member outwardly of the center member.

Levy teaches the means to press (28) (See Figure 1) the back panel member (16) outwardly of the center member (12)

Examiner notes applicant is evoking 35 U.S.C. 116, 6<sup>th</sup> paragraph in claim 13 by reciting "means for" pressing.

Regarding claim 14, Muroi et al., as modified discloses the invention substantially as claimed.

However, Muroi et al., does not disclose the means to press the back panel member outwardly includes at least one spring member.

It would have been an obvious matter of design choice to make the means to press the back panel member outwardly including at least one spring member, since applicant has not disclosed that the means to press the back panel member outwardly including at least one spring member solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a latch.

Regarding claim 15, Muroi et al., discloses the vehicle door (1) window (See Figure 1) cooperates with the back panel member (See Figure 1) to press the back member (See Figure 1) into center member during downward movement of the vehicle door (1) window (See Figures 1 & 4).

Regarding claim 16, Muroi et al., discloses the back member to cooperate with the lower portion of the vehicle door (1) window to press the back member (See Figure 1) into the center member during downward movement of the vehicle door (1) window (See Figures 1 & 4).

However, Muroi et al., does not disclose the ramping surface extending between the top and the back surfaces, wherein the ramping surface is constructed and arranged.

It would have been an obvious matter of design choice to make the ramping surface extend between the top and the back surfaces, wherein the ramping surface is

constructed and arranged, since applicant has not disclosed that the ramping surface extending between the top and the back surfaces, wherein the ramping surface is constructed and arranged solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a linear surface extending between the top and the back surface.

Regarding claim 17, Muroi et al., discloses the sides, top and bottom extend substantially perpendicular to the front surface (See Figure 1).

However, Muroi et al., does not disclose the front panel member constructed and arranged to telescope inwardly and outwardly within the center member.

Franks teaches the front panel member (20) constructed and arranged to telescope inwardly and outwardly within the center member (100) (See Figure 1) for the purpose of providing adjustability and flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the front panel member constructed and arranged to telescope inwardly and outwardly within the center member as taught by Frank with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance flexibility.

9. Claims 19 & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroi et al., (U.S. Patent Number 5072983), Franks (U.S. Patent Number 5513580),

Royer (U.S. Patent Publication Number 2004 / 0000798 A1 and Adams (U.S. Patent Number 4717196) and further in view of Levy (U.S. Patent Number 6648166).

Muroi et al., modified by Franks, Royer and Adams discloses the invention substantially as claimed. Claim 19 is the combination of previous stated claims in this office action with the added feature limitation of the member hingedly secured to the front panel.

However, Muroi et al., not disclose the lid member hingedly secured to the front panel member and movable between the first open position and the second closed position.

Levy teaches the lid member hingedly secured to the front panel member and movable between the first open position and the second closed position (See Figures 1 – 5) for the purpose of providing reliability and durability.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the lid member hingedly secured to the front panel member and movable between the first open position and the second closed position as taught by Levy with the dynamic storage compartment adapted for insertion within and upon the interior panel of a vehicle door of Muroi et al., in order to enhance reliability and durability.

Regarding claim 20, Muroi et al., modified by Franks, Royer and Adams discloses the invention substantially as claimed. Claim 20 is the combination of previous stated claims in this office action with the added feature limitation of the



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member rigid covering element secured to the front panel member and movably between the first open position and the second closed position, wherein the covering element is juxtaposed to the aperture while in the closed position. All previous stated claims were rejected. Therefore, claim 20 is rejected using the same prior art references on record stated above in combination that satisfy all relevant limitations recited in claim 20.

***Conclusion***

10. Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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